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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 MICHAEL MILAM,

11 Plaintiff,

12 v.

13 PIERCE COUNTY *et al.*,

14 Defendants.

Case No. C05-5842 FDB

ORDER ADOPTING
REPORT AND
RECOMMENDATION

15 The Court, having reviewed the Motion to Dismiss, [Dkt. # 31], the Report and
16 Recommendation of Magistrate Judge J. Kelley Arnold, objections to the report and
17 recommendation, if any, and the remaining record, does hereby find and ORDER:

18 (1) The Court adopts the Report and Recommendation;

19 (2) Mr. Colby Richards motion to be dismissed from this action for failure to state a claim
20 is **GRANTED**.

21 (3) Plaintiff will have thirty (30) days from entry of this order to file a Second Amended
22 Complaint that names a person as a defendant and states a cause of action. Plaintiff is
23 reminded that the court will need service copies and a filled out Marshals Service
24 form for the newly named defendant. If the documents are not received or the
25 Second Amended Complain fails to state claim this action will be dismissed.

26 (3) The Clerk is directed to send copies of this Order to Plaintiff, counsel for Defendant,
27 and to the Hon. J. Kelley Arnold .

28 DATED this 17th day of November, 2006



FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE